

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 OSCAR LEE OLIVE, IV,

11 Plaintiff,

12 v.

13 HAYLEY MARIE ROBINSON,

14 Defendant.

CASE NO. C20-0356JLR

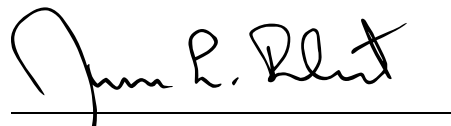
SHOW CAUSE ORDER

15 On September 14, 2022, Plaintiff Oscar Lee Olive, IV filed a motion for entry of
16 default against Defendant Hayley Marie Robinson pursuant to Federal Rule of Civil
17 Procedure 55(a). (Mot. (Dkt. # 38).) Later that day, the Clerk entered default against Ms.
18 Robinson. (Default (Dkt. # 39).) To date, however, Mr. Olive has not moved for entry of
19 default judgment against Ms. Robinson. (*See generally* Dkt.); *see also* Fed. R. Civ. P.
20 55(a)-(b) (describing the two-step process for obtaining a default judgment).

21 As the Ninth Circuit Court of Appeals has stated, Rule 55 requires a “two-step
22 process” consisting of: (1) seeking a clerk’s entry of default, and (2) filing a motion for

1 the entry of default judgment. *See Eitel v. McCool*, 782 F.2d 1470, 1471 (9th Cir. 1986)
2 (“Eitel apparently fails to understand the two-step process required by Rule 55.”); *see*
3 *also* Fed. R. Civ. P. 55(a)-(b). Because it has been over two months since the Clerk
4 entered default against Ms. Robinson, and because Mr. Olive has not yet moved for entry
5 of default judgment against Ms. Robinson, the court ORDERS Mr. Olive to show cause
6 why this case should not be dismissed for failure to prosecute. Mr. Olive must respond to
7 this show cause order by December 12, 2022, explaining his failure to timely move for
8 default judgment. Alternatively, Mr. Olive may, before December 12, 2022, file a
9 motion for entry of default judgment against Ms. Robinson pursuant to Rule 55(b). The
10 court warns that failure to timely respond to this order to show cause may result in the
11 dismissal of this action with prejudice. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642-43
12 (9th Cir. 2002) (discussing factors that the court considers in determining whether to
13 dismiss for failure to prosecute or comply with a court order).

14 Dated this 28th day of November, 2022.

15
16 

17 JAMES L. ROBART
18 United States District Judge
19
20
21
22